

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:21-cv-75-KDB-DCK**

ANTHONY CULLER, et al,)
)
 Plaintiffs,)
)
 vs.)
)
 AHIP NC Statesville 1530 Enterprises,)
 LLC, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court *sua sponte*.

Plaintiffs, proceeding *pro se*, filed this civil rights action on May 11, 2021. (Doc. No. 1). Plaintiffs filed an Application to Proceed in District Court without Prepaying Fees or Costs that was inconsistent and confusing, and from which the Court was unable to conclude that Plaintiffs should be granted leave to proceed *in forma pauperis*. (Doc. No. 2). On June 2, 2021, the Court entered an Order denying the Application without prejudice for Plaintiffs to either pay the filing fee or file an amended Application within 14 days. (Doc. No. 3). Plaintiffs were cautioned that the failure to timely comply with the Order would result in the dismissal of this action without prejudice and without further notice. (*Id.* at 3).

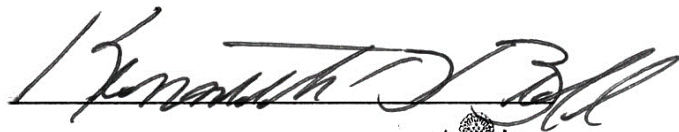
Plaintiffs have not paid the filing fee or filed an amended Application and the time to do so has now expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district

court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

1. This action is **DISMISSED** without prejudice for Plaintiffs' failure to comply with the Court's June 2, 2021 Order.
2. The Clerk of this Court is directed to close this case.

Signed: June 21, 2021

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

